

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Kenneth Davidson v. 2550 S. Soto Street II LLC

Davidson · No. 2:25-cv-05254-SB-E · Decided June 10, 2025

SUMMARY

The United States District Court for the Central District of California orders Plaintiff Kenneth Davidson to show cause why his California Unruh Act claim should not be dismissed without prejudice under 28 U.S.C. § 1367(c)(4). Relying on the Ninth Circuit’s decision in *Arroyo v. Rosas*, the Court explains that retaining supplemental jurisdiction could undermine California’s reforms concerning high-frequency litigants and affect federal-state comity. Plaintiff must identify the statutory damages sought and provide sworn declarations addressing whether he and his counsel qualify as high-frequency litigants.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stanley Blumenfeld, Jr.
JURISDICTION	United States District Court for the Central District of California
DECIDED	June 10, 2025
DOCKET	2:25-cv-05254-SB-E
DISPOSITION	other
PROCEDURAL POSTURE	At the early pleading stage of an action asserting claims under the Americans with Disabilities Act and California's Unruh Act, the court issued an order to show cause why the Unruh Act claim should not be dismissed without prejudice for lack of supplemental jurisdiction.
STANDARD OF REVIEW	Abuse-of-discretion principles govern a district court's decision whether to exercise supplemental jurisdiction; the court has discretion to decline supplemental jurisdiction under 28 U.S.C. § 1367(c).
PRECEDENTIAL VALUE	Unpublished district court order to show cause; nonprecedential and of limited persuasive value.
PARTIES	Kenneth Davidson v. 2550 S. Soto Street II LLC

TOPICS

subject matter jurisdiction

civil procedure

ada / disability

public accommodations discrimination

PRACTICE AREAS

Civil procedure

Disability rights

Americans with Disabilities Act

Supplemental jurisdiction

QUESTIONS PRESENTED

1. Whether the district court should decline supplemental jurisdiction over Plaintiff's Unruh Act claim under 28 U.S.C. § 1367(c)(4) because retaining the claim could undermine California's statutory reforms concerning construction-related disability-access litigation and impair federal-state comity.
2. Whether Plaintiff should be required to identify the statutory damages sought and provide sworn factual information relevant to whether Plaintiff and his counsel qualify as high-frequency litigants under California law.

HOLDINGS

1. A district court has discretion to decline supplemental jurisdiction over an ADA-based Unruh Act claim when exceptional circumstances, including the federal-state comity concerns identified in *Arroyo v. Rosas*, are present. Because this case is at an early stage and the merits have not been adjudicated, the court indicated that such circumstances appear to justify declining supplemental jurisdiction, subject to Plaintiff's response to the order to show cause.
2. The court ordered Plaintiff to show cause within 14 days and required a response identifying the statutory damages sought and supplying declarations under penalty of perjury containing facts necessary to determine whether Plaintiff and his counsel satisfy California's definition of a high-frequency litigant.

KEY QUOTATIONS

“retention of supplemental jurisdiction over ADA-based Unruh Act claims threatens to substantially thwart California’s carefully crafted reforms in this area and to deprive the state courts of their critical role in effectuating the policies underlying those reforms.” (1213)

“Accordingly, the Court ORDERS Plaintiff within 14 days after entry of this Order to show cause in writing why the Court should not dismiss without prejudice his Unruh Act claim under § 1367(c)(4).” (Order to Show Cause)

FACTUAL BACKGROUND

Kenneth Davidson requires a wheelchair while traveling in public. He alleged that Defendant's facilities contain physical barriers that impede his access, violating the ADA and California's Unruh Act. The court noted that the case was at a very early stage and that it had not adjudicated the merits of any claim.

PROCEDURAL HISTORY

Plaintiff filed suit alleging that physical barriers at Defendant's facilities impeded his wheelchair access, asserting ADA and Unruh Act claims. Before adjudicating the merits of any claim, the district court ordered

Plaintiff to show cause why it should not decline supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(c)(4).

DISPOSITION

other

CASES CITED

- City of Chi. v. Int’l Coll. of Surgeons, 522 U.S. 156, 172 (1997)
- Arroyo v. Rosas, 19 F.4th 1202 (9th Cir. 2021)

OPINION

Kenneth Davidson v. 2550 S. Soto Street II LLC

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KENNETH DAVIDSON, Case No. 2:25-cv-05254-SB-E Plaintiff,

v. ORDER TO SHOW CAUSE

2550 S. SOTO STREET II LLC,

Defendant. Plaintiff Kenneth Davidson, who requires the use of a wheelchair while traveling in public, filed this suit alleging that Defendant’s facilities impose physical barriers that impede his access, in violation of, inter alia, the Americans with Disabilities Act (ADA) and the Unruh Act. Dkt. No. 1. Because Plaintiff’s Unruh Act claim is closely related to his ADA claim, the Court has authority to exercise supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(a). However, supplemental jurisdiction “is a doctrine of discretion, not of plaintiff’s right,” and district courts “can decline to exercise jurisdiction over pendent claims for a number of valid reasons.” City of Chi. v. Int’l Coll. of Surgeons, 522 U.S. 156, 172 (1997) (internal quotation marks and citations omitted). This discretion is codified in § 1367(c): The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if—

- (1) the claim raises a novel or complex issue of State law,
- (2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction,
- (3) the district court has dismissed all claims over which it has original jurisdiction, or
- (4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction. 28 U.S.C. § 1367(c). In a published decision, the Ninth Circuit explained that the California Legislature’s 2012 and 2015 amendments to the Unruh Act, which were intended to protect businesses from abusive litigation by high-frequency litigants bringing construction-related claims, had led to a surge of filings in federal courts of ADA cases seeking

statutory damages under the Unruh Act. *Arroyo v. Rosas*, 19 F.4th 1202 (9th Cir. 2021). The Ninth Circuit agreed with the district court that this shift in filings from state courts to federal courts had circumvented the state legislature's goals and "rendered [the new statutory requirements] largely toothless, because they can now be readily evaded." *Id.* at 1213. The court explained that "retention of supplemental jurisdiction over ADA-based Unruh Act claims threatens to substantially thwart California's carefully crafted reforms in this area and to deprive the state courts of their critical role in effectuating the policies underlying those reforms." *Id.* Thus, the court held that these circumstances are "exceptional" within the meaning of § 1367(c)(4) and therefore potentially justified declining supplemental jurisdiction over the plaintiff's Unruh Act claim. See *id.* ("The district court did not abuse its discretion in concluding that this extraordinary situation threatens unusually significant damage to federal-state comity and presents 'exceptional circumstances' within the meaning of § 1367(c)(4)."). However, because the district court had waited to decline supplemental jurisdiction until after granting summary judgment on the plaintiff's ADA claim, thereby effectively deciding the Unruh Act claim, the Ninth Circuit reversed the court's decision to decline supplemental jurisdiction, holding that it had waited too long to invoke the comity interest. *Id.* at 1215–17. Unlike *Arroyo*, this case is still at a very early stage, and this Court has not yet addressed or adjudicated the merits of any of Plaintiff's claims. This appears to be a case in which the Court should decline supplemental jurisdiction over Plaintiff's Unruh Act claim under § 1367(c)(4) to protect the comity interests identified in *Arroyo*. Accordingly, the Court ORDERS Plaintiff within 14 days after entry of this Order to show cause in writing why the Court should not dismiss without prejudice his Unruh Act claim under § 1367(c)(4). Plaintiff's response must identify the amount of statutory damages Plaintiff seeks to recover and must be supported by declarations, signed under penalty of perjury, providing all facts necessary for the Court to determine if Plaintiff and his counsel satisfy the definition of a "high-frequency litigant" as provided by Cal. Civ. Proc. Code § 425.55(b)(1)–(2). If Plaintiff fails to file a response within 14 days after entry of this Order, the Court will decline to exercise supplemental jurisdiction over his Unruh Act claim, and the Unruh Act claim will be automatically dismissed without prejudice without further order of the Court. Date: June 10, 2025

Stanley Blumenfeld, Jr. United States District Judge